

1 The Honorable Robert S. Lasnik
2
3

4 Peter K. Dykema, Senior Attorney
5 Dedra S. Curteman, Trial Attorney
6 Natural Resources Section
7 P.O. Box 7611
8 Washington, DC 20044
9 peter.dykema@usdoj.gov
10 dedra.curteman@usdoj.gov
11 (202) 305-0436 (Dykema) / F: (202) 305-0506
12 (202) 305-0446 (Curteman) / F: (202) 305-0506

13 Kent E. Hanson, Senior Attorney
14 Environmental Defense Section
15 kent.hanson@usdoj.gov
16 (206) 639-5544

17 Mark Arthur Brown, Senior Trial Attorney
18 Wildlife and Marine Resources Section
19 mark.brown@usdoj.gov
20 (202) 305-0204

21
22
23
24
25
26
27
28
THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

1 CENTER FOR FOOD SAFETY, a non-profit) Case No. 2:17-cv-01209-RSL
2 corporation,)
3 Plaintiff,)
4 v.)
5 U.S. ARMY CORPS OF ENGINEERS, *et al.*,) **JOINT MOTION TO STAY BRIEFING**
6 Defendants,) **ON PLAINTIFF'S MOTION FOR AN**
7 and) **AWARD OF FEES AND EXPENSES**
8 PACIFIC COAST SHELLFISH GROWERS)
9 ASSOCIATION,)
10 Intervenor-Defendant)
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 THE COALITION TO PROTECT PUGET
 2 SOUND HABITAT, a non-profit Corporation,
 3 *Plaintiff*,
 4 v.
 5 U.S. ARMY CORPS OF ENGINEERS *et al.*,
 6 *Defendants*,
 7 and
 8 TAYLOR SHELLFISH COMPANY, INC.,
 9 *Intervenor-Defendant*
 10)

11 Plaintiffs and Defendants in the above-captioned lawsuits jointly move the Court for an
 12 Order staying briefing on the Motions for awards of attorney fees and expenses filed by Plaintiff
 13 Center for Food Safety (ECF 121) and Plaintiff Coalition to Protect Puget Sound Habitat (ECF 99).
 14 In support of this Motion the parties jointly state as follows:

15 1. The Court's judgment in this case is the subject of appeals now pending in the Ninth
 16 Circuit Court of Appeals. Appeal Nos. 20-35546 and 20-35547 (consolidated July 22, 2020).
 17 Pursuant to the briefing schedule in those appeals, briefing will be completed by November 4, 2020.
 18 The Court of Appeals has granted Appellants' request to expedite hearing and directed the clerk to
 19 place the appeals on the first available calendar after the completion of briefing. ECF 105 in 2:16-
 20 cv-00950-RSL; ECF 124 in 2:17-cv-01209-RSL.

21 2. Plaintiffs filed Motions in this Court seeking awards of fees and expenses from
 22 Defendants U.S. Army Corps of Engineers *et al.* out of an abundance of caution, to ensure that their
 23 motions are timely.

24 3. The final decision of the Court of Appeals may affect the resolution of issues
 25 presented by Plaintiffs' Motions for fees and expenses. Briefing on those Motions should be stayed
 26 in the interests of fairness and judicial economy.

1 Accordingly, the Plaintiffs and Defendants request that the Court stay briefing on both
2 the Plaintiffs' Motions for fees and expenses, and establish a briefing schedule after the Ninth
3 Circuit Court of Appeals issues its mandate at the conclusion of the pending consolidated appeals.

4 Dated: October 7, 2020

Respectfully submitted,

5 JEAN E. WILLIAMS
6 Deputy Assistant Attorney General

7 s/ Kent E. Hanson

8 KENT E. HANSON
9 Environmental Defense Section
10 Environment and Natural Resources Division
11 United States Department of Justice
P.O. Box 7611
Washington, DC 20044
(206) 639-5544
kent.hanson@usdoj.gov

12 PETER KRYN DYKEMA
13 DEDRA S. CURTEMAN
14 United States Department of Justice
15 Environment & Natural Resources Division
16 Natural Resources Section
17 P.O. Box 7611
18 Washington, DC 20044
(202) 305-0436 (Dykema)
(202) 305-0446 (Curteman)
peter.dykema@usdoj.gov
dedra.curteman@usdoj.gov

19 MARK ARTHUR BROWN
20 Wildlife and Marine Resources Section
21 Environment and Natural Resources Division
22 United States Department of Justice
P.O. Box 7611
Washington, DC 20044
(202) 305-0204
mark.brown@usdoj.gov

23
24 *Attorneys for U.S. Army Corps of Engineers et al.*

25
26 s/ Amy van Saun

27 George A. Kimbrell (WSB No. 36050)
Amy van Saun (pro hac vice)
Center for Food Safety

2009 NE Alberta Street, Suite 207
(971) 271-7372
gkimbrell@centerforfoodsafety.org
avansaun@centerforfoodsafety.org

Attorneys for Center for Food Safety

s/ Karl G. Anuta

Karl G. Anuta, WSBA # 21346
Law Office of Karl G. Anuta, P.C.
735 S.W. 1st Ave., 2nd Floor
Portland, Oregon 97204
T: (503) 827-0320 / F: (503) 288-6551
kga@integra.net

Thane Tienson (WSB No. 13310)
Landye Bennett, Blumstein
1300 S.W. 5th Ave., Suite 3600
Portland, Oregon 97201
T: (503) 224-4100 / F: (503) 224-4133
tienson@lbblawyers.com

Attorneys for Coalition to Protect Puget Sound Habitat